THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.22401 OF 1996

DATED: 14TH November, 2006.

Between :

Mrs. Shyamala Raju Trust, Hyderabad,
rep. by Smt. Sri Valli. .. Petitioner

And

1. Govt. of Andhra Pradesh, rep. by its
Secretary, Revenue Department, Secretariat,
Hyderabad and 3 others. .. Respondents

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WRIT PETITION NO.22401 OF 1996

ORDER :

This writ petition is filed aggrieved by the action of the respondents in not registering a Trust Deed in respect of Ac.1-00 of land situated in Sy.No.8 of Saroornagar Village & Mandal, Rangareddy District on the basis of the Government Memo dated 23-11-1994 in which the Collector, R.R. District was requested to take action as per the provisions of Urban Land Ceiling and Regulation Act, 1976 (for short, 'the 1976 Act').

It is brought to my notice that the very same Government Memo dated 23-11-1994 was the subject-matter of W.P.No.19 of 1995 which was disposed of by a Division Bench of this Court by order dated 24-4-1998 with directions as under :

> *"Without expressing any opinion on the rival contentions we think it appropriate to direct the respondents to consider the case of the petitioners whether the land in their possession is a vacant land or agricultural land or urban land. In case the Government comes to the conclusion that the land is an urban land, the petitioner's request to grant exemption under Section 20 of the 1976 Act shall be considered favourably by affording the petitioner an opportunity to give representation to the Government. If an application seeking exemption under Section 20 of 1976 Act is not yet filed, the petitioners to file such an application within thirty days from this date. When the Government has already given exemption in respect of other portions of the same S.No.8 to several persons who were similarly placed, the same cannot be refused to the petitioner unless their case*

comes within the prohibited area. If it is established that the area in question is situated outside the municipal limits then any decision as to registration of the sale deeds or refusal shall be subject to the result of the decision to be taken by the Government under the 1976 Act.

With the above observation, the writ petition is disposed of. All other contentions are kept open. There is no order as to costs."

The learned Counsel for both the parties submitted that the ratio laid down in the above decision squarely applies to the case on hand.

Accordingly, this Writ Petition is also disposed of with a direction to the respondents to make necessary enquiry and to take appropriate decision in terms of the above decision of the Division Bench. No costs.

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G. ROHINI, J.

Dt. 14-11-2006

gbs